IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1465 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHANKARLAL OCHAVLAL SHAH & 2 - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR BS PATEL for Petitioner(s) :
Mr. DIPEN DESAI, Asst. GOVERNMENT PLEADER for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 18/04/2007

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India the petitioners have prayed for an appropriate writ, direction or

order quashing and setting aside the order dated 10.11.1995 mentioned in communication at Annexure 'A' holding that the petitioners are entitled for the pay-scale as mentioned in Annexure 'D' and 'E' to the petition. Considering the averments in the petition, it appears that it is the case on behalf of the petitioners to treat the post of Binder as equal to the post of Binder under the Directorate of Printing and Stationary.

2. Identical question came to be considered by this Court in Special Civil Application No. 1472 of 1996 and considering the fact that the dispute with regard to anomaly in the pay-scale has been referred to the Anomaly Committee who has subsequently submitted its report to the Sub-Committee and the Sub-Committee has also submitted its report and the dispute was pending before the State Government this Court had directed the State Government to take appropriate decision in accordance with law and on merits considering the report submitted by the Anomaly

Committee as well as the Sub-Committee. The facts of the present Special Civil Application are identical to that of Special Civil Application No. 1472 of 1996.

3. Under the circumstances, the State Government is directed to consider the report submitted by the Pay Anomaly Committee as well as the Sub-Committee and take appropriate decision with regard to alleged pay anomaly which has been raised in the present Special Civil Application as early as possible but not later than 3 months from the date of receipt of this order. In the meantime, it will be open for the petitioner to submit a detailed representation to the Secretary, Finance Department within the period of two weeks from today and while taking a final decision the State Government to consider the same in accordance with law and on merits. The State Government to communicate the decision to the petitioner within the period of 15 days thereafter. Thereafter, the State Government

and/or the concerned department are directed to strictly comply with the above directions. It is, however, made clear that this Court has not expressed any opinion in favour of either parties. If any adverse decision is taken, it will be open for the petitioner to challenge the same by way of appropriate proceeding.

4. With these directions, the present Special Civil Application is disposed of. Rule is discharged. No costs.

[M.R. Shah, J.]

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